



# JUSTICE

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## ACTUALITÉS - REPORT

No.3

CANADIAN CRIMINAL JUSTICE ASSOCIATION - 2021 - ASSOCIATION CANADIENNE DE JUSTICE PÉNALE

POLICE USE OF FORCE IN CANADA - RECOURS À LA FORCE PAR LA POLICE AU CANADA



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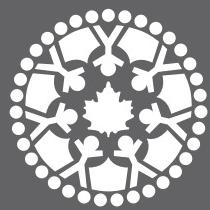
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# EDITORIAL

IRVING KULIK

CCJA Executive Director

Fifteen months ago, stark images of the police actions in Minneapolis leading to the death of George Floyd unfolded on TV sets everywhere. While the United States has had a long and unfortunate history of fatal police encounters with citizens, particularly members of racialized groups, we in Canada have not been entirely immune. As a result, our Policy Review Committee began discussions regarding similarly tragic incidents that have taken place in Canada in recent memory. Subsequently a process was launched for a comparative study of the use of force by police, with the intent of identifying factors that can prevent such injury and death.

It was our hope to find 'Best Practices' in some police departments that could be shared with all others as critical teaching tools. With the financial support of Public Safety Canada, we engaged the services of three eminent researchers at the University of Toronto; but it became obvious early in the study that best practices could not be identified given the ongoing absence of readily available data. This obviously extended the complexity of the research project. To obtain the required data, over the course of several months the researchers surveyed 35 Canadian police agencies and 10 provincial and territorial police oversight agencies and followed up with detailed phone interviews. As a result, the authors produced a most comprehensive review along with 20 explicit recommendations for action. Their complete report is available for download on the CCJA website's homepage, at [ccja-acjp.ca](http://ccja-acjp.ca).

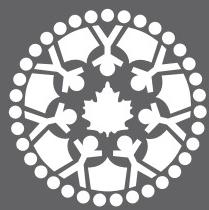
For ease of access, you will also find the Executive Summary in this edition of the *Justice Report*. The report has been well received by our government contacts and we are distributing it to the police and oversight agencies. We are hoping to pursue follow-up studies based upon the recommendations.

The ability of the police to use force in their encounters with citizens is not a theoretical issue but, rather, foundational in our expectations of liberty and human rights. We have thus focused the edition on this very topic. Following the above report's highlights, you can read the excellent interview that our Editor, Nancy Wright, did with Bob Chrismas. A veteran in policing, he provides his reflections on the topic in **use of force in Canadian policing**.

We are also pleased to feature articles by several students in our Young Researchers section. We congratulate Janaya Dunn, the winner of the annual Mount Royal University student scholarship, whose article **Female Offending and Mental Health in Canada** appears here. We also thank students Patricia Doiron for **Mental Health and Substance Use in Corrections: Changing Perspectives and Advocating for Interdisciplinary Collaboration** and Brandi Chrismas for **Critical Thinking and Criminal Decision Making**.

We are hopeful that you find each issue of the *Justice Report* to be informative in reflecting topics of contemporary importance while also serving as a forum for intelligent student expression.

We wish you a safe and healthy autumn.



# ÉDITORIAL

IRVING KULIK

Directeur général de l'ACJP

Il y a quinze mois, les téléspectateurs du monde entier montraient l'intervention policière qui a mené au décès de George Floyd, à Minneapolis. Aux États-Unis, la liste d'interventions policières qui se sont mal terminées est malheureusement longue, surtout lorsque ces interventions visent des membres de groupes racialisés. Mais le Canada n'est pas à l'abri de ce type d'incidents. Notre comité d'examen des politiques s'est donc lancé dans une discussion sur les incidents tout aussi tragiques qui ont secoué le Canada ces dernières années. Il a ensuite commandé une étude comparative sur l'utilisation de la force par la police, dans l'objectif de cerner ce qui pourrait permettre de prévenir ces blessures et ces décès.

En fait, nous espérions trouver, dans certains corps policiers, des « pratiques » susceptibles d'être partagées comme outils de formation avec les autres services policiers. Avec le soutien financier de Sécurité publique Canada, nous avons retenu les services de trois éminents chercheurs de l'Université de Toronto. Cependant, dès les prémisses de l'étude, on s'est rendu compte qu'il était impossible d'identifier des meilleures pratiques, faute de données facilement accessibles. Le projet de recherche s'est ainsi complexifié. Pour obtenir les données nécessaires, les chercheurs, pendant plusieurs mois, ont sondé 35 corps policiers canadiens et 10 organismes provinciaux et territoriaux de surveillance de la police. De plus, ils ont effectué un suivi au moyen d'entretiens téléphoniques approfondis. Les auteurs ont produit

une étude très complète, accompagnée d'une vingtaine de recommandations sur les mesures à prendre. Le rapport intégral peut être téléchargé sur la page d'accueil du site Web de l'ACJP : [ccja-acjp.ca](http://ccja-acjp.ca).

Pour faciliter l'accès, nous vous en présentons un résumé dans ce numéro d'*Actualités Justice*. Le rapport a été bien accueilli par nos contacts gouvernementaux et nous le distribuons aux services de police et aux organismes de surveillance. Nous espérons poursuivre des études de suivi basées sur les recommandations.

L'usage de la force lors des interventions policières n'est pas une question théorique, mais plutôt une préoccupation qui relève des droits et libertés. Nous consacrons donc ici un dossier à cette question. Après les points saillants du rapport dont il est question ci-dessus, vous trouverez l' excellente entrevue de notre rédactrice en chef, Nancy Wright, avec Bob Chrismas. Vétéran du maintien de l'ordre, il nous livre ses réflexions sur **le recours à la force dans les services de police canadiens**.

Nous sommes également heureux de présenter les articles de plusieurs étudiants dans notre section consacrée aux jeunes chercheurs. Nous félicitons d'ailleurs Janaya Dunn, lauréate de la bourse annuelle de l'Université Mount Royal, dont l'article « **Female Offending and Mental Health in Canada** » est publié ici. Nous remercions également Patricia Doiron, pour son article intitulé « **Mental Health and Substance Use in Corrections: Changing Perspectives and Advocating for Interdisciplinary Collaboration** », ainsi que Brandi Chrismas pour son texte « **Critical Thinking and Criminal Decision Making** ».

Nous espérons que chaque numéro d'*Actualités Justice*, qui traite d'une série de sujets d'actualité et offre aux étudiants une tribune où exprimer leurs idées, saura vous enrichir et stimuler votre réflexion.

Que votre automne se déroule sous le signe de la santé et de la sécurité.



# **POLICE USE OF FORCE IN CANADA: A review of data, expert opinion, and the international research literature**

## **EXECUTIVE SUMMARY**

### **DR. SCOT WORTLEY**

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- JUNE 2021

This project was developed by the Canadian Criminal Justice Association (CCJA)  
and funded, in part, by Public Safety Canada.

## **RESEARCH OBJECTIVES**

- Despite its emergence as an important social issue, police use of force has been subject to surprisingly little empirical research—especially in the Canadian context.
- This research report attempts to address this research gap by addressing the following research questions: How often do the police in Canada use physical force against civilians? Is police use of force more common in some police jurisdictions than others? Has use of force increased or decreased over the past ten years? What are best practices with respect to police use of force? Can use of force be reduced while simultaneously ensuring public safety and the safety of police officers? What is the current state of Canadian research on police use of force? How can data collection and research on police use of force be improved?

## **METHODOLOGY**

- The research team contacted thirty-five different police services and ten civilian oversight agencies from different regions of Canada.
- From each agency the research team requested information about the collection and dissemination of data on police use of force incidents.
- As part of this request, the research team also asked whether we could gain access to each service's use of force data collection form, use of force dataset, and any internal use of force reports.
- We also asked each service to identify their own use of force experts to be interviewed about best practices.
- Overall, only 19 of 35 police services (54.3%), and six of ten oversight agencies (60.0%), agreed to participate in the study.
- Fourteen police services (40.0% of the sample) provided us with the names of their own use of force experts that we could contact for interviews.
- Although we were able to gain access to several internal use of force reports, no police service (0.0%) granted the research team access to a use of force dataset that would have enabled an independent analysis.

- A number of factors could have contributed to the low response rate including a tight research timeframe and the reluctance of some police leaders to participate in a study about this sensitive topic.

## **AN ANALYSIS OF CANADIAN USE OF FORCE DATA**

- The research team was able to obtain limited use of force data, most of it publicly available, from 16 police services and 6 civilian oversight agencies.
- A re-analysis of available data produced several significant findings.
  - The data suggest that deadly police use of force incidents have not declined significantly over the past two decades—even after taking population growth into account. Nationwide, the deadly force rate, per 100,000, actually increased by 28% over the past two decades, despite a growth in de-escalation training and alternative use of force options.
  - Comparisons across Canadian jurisdictions are highly problematic due to different data collection and dissemination standards. However, the data that does exist suggests that, similar to data on crime patterns, police use of force rates gradually increase as we move from East to West. Use of force rates are lowest in the maritime provinces, followed by Ontario and Quebec. They are highest in the western provinces and in the northern territories.
  - The data indicate that both fatal and non-fatal shootings have increased in Canada over the past decade. For example, between 2010 and 2019, RCMP fatal shooting increased by 39% and non-fatal shootings increased by 50%. There was also a 12% increase in RCMP officers pointing firearms at civilians.
  - The use of Conducted Energy Weapons (CEWs) has also increased dramatically across Canada. For example, between 2010 and 2019, RCMP CEW deployments increased by 134%. There was also a 31% increase in RCMP officers pointing CEWs at civilians.
  - On the other hand, the police use of both hard and soft control techniques (strikes, punches, kicks, pressure holds, etc.) have dropped significantly. For example, between 2010 and 2019, the RCMP

experienced a 46% decline in baton strikes, a 51% decline in the use of OC spray, a 56% decline in the use of hard control techniques, and a 47% decline in the use of soft control techniques.

- An analysis of use of force forms/reports reveals that data collection standards vary dramatically by jurisdiction. Inconsistent data collection strategies make regional comparisons unreliable. It is also impossible to properly evaluate policies, training and technologies that have had an impact on police use of force over the past decade.
- Nonetheless, Canadian police services appear more than capable of collecting detailed information about use of force incidents. This finding provides evidence that a standardized system for collecting and disseminating use of force data is feasible.

### **INTERVIEWS WITH CANADIAN USE OF FORCE EXPERTS**

- Interviews with twelve serving police use of force experts, and six representatives from Canadian police oversight agencies, provided valuable data reflecting the current landscape of police use of force in Canada.
- Consistent with the research literature, our respondents reported important changes with respect to the evolution of police use of force policies and practices in Canada.
- Most cited that use of force practices have become more formalized and regulated. There is now a greater emphasis on effective communication and de-escalation.
- Most respondents feel that new policies, combined with improved training and access to non-lethal use of force options (i.e., Conducted Energy Weapons, OC spray, etc.), have led to a reduction of police use of force in Canada over the past two decades. This perception is somewhat inconsistent with actual use of force statistics (see above).
- Many participants agreed that the over-representation of mentally ill people as subjects in police use of force incidents stems from the overreliance on police to deal with these populations—a problem exacerbated by cuts in funding to mental health and social services. These officers acknowledged that the police were

not well equipped to deal with these populations, and although training was suggested as a means of improving outcomes, it was not seen as a real solution to the problem.

- There was less consistency with respect to perspectives on use of force involving racialized people. Whereas a small number of respondents questioned the validity of the documented racial disparities in police use of force, suggesting Canadians' views are skewed by American media, other respondents cited increased rates of criminality among certain racialized groups and experiences with social and economic marginalization as drivers of these disparities.
- Measures to reduce racial disparities in use of force proposed by the officers include reducing social inequality, increasing the representation of under-represented groups in policing, advancing community policing efforts and enhanced training. Little was said about the individual and institutional-level mechanisms known to contribute to such racial disparities.
- We were also interested in our respondents' general perspectives on best practices with respect to use of force and on the ways in which police use of force can be controlled and monitored.
- Many respondents stressed the need for effective communication and de-escalation training.
- Respondents' views were mixed with respect to whether in-car and body cameras would reduce the illegitimate use of force. However, some civilian oversight officials highlighted the value of body camera footage in their investigations.
- We also found general support for the presence of police oversight agencies in Canada, although the impact such agencies have had on the nature and scope of police use of force in Canada is yet to be determined.
- All respondents indicated the need for more Canadian research on police use of force. There was a high level of support for the idea of a standardized national police use of force data collection strategy.

## **RECOMMENDATIONS**

In the conclusion of the report, we provide recommendations for the improvement of research on police use of force data in Canada. We also provide recommendations with respect to decreasing use of force incidents--especially the frequency of deadly force encounters. We base these recommendations on our review of available Canadian use of force data, interviews with Canadian police experts on use of force and a review of the international research literature on use of force and best practices.

- 1) Police services and their governing bodies should, on a continuing basis, review the policing research literature to identify emerging best practices with respect to use of force.**
- 2) Police services must develop strong use of force policies that express the value of both police and civilian lives and restrict the conditions under which force can be used.**
- 3) All police officers in Canada should be given high quality training on de-escalation tactics.**
- 4) Canadian police services should continue to examine the impact of video technologies and their impact on use of force.**
- 5) Policing services and their governing bodies should adopt less-than-lethal use of force options. Firearms should only be used as a last resort.**
- 6) Policing services should develop specific use of force strategies for armed civilians not in the possession of a firearm.**
- 7) Policing services should engage in cultural transformation efforts that de-emphasize hyper-masculine, para-military traditions.**
- 8) Policing services must establish strategies for reducing the over-representation, in use of force cases, of civilians in mental health crises.**
- 9) Police services should increase the recruitment of female officers.**
- 10) Police services should increase the recruitment of Black, Indigenous and other racialized officers.**

- 11) All police recruits should be screened for racial sensitivity and cultural competency.**
- 12) All police officers should receive periodic cultural competency, anti-bias training.**
- 13) All police reforms with respect to use of force policies, training, technologies, and tactics should be subject to high quality evaluation research.**
- 14) To ensure high quality research and evaluation, a federal-provincial-territorial task force should be established with the goal of developing a standardized method for recording data on Canadian use of force incidents.**
- 15) The federal-provincial-territorial task force should consult with academics and quantitative research experts in the development of the standardized use of force data collection process.**
- 16) A standardized use of force data collection process should ensure the collection of important variables identified in the research literature. Important information includes situational variables, civilian characteristics, and officer characteristics.**
- 17) Racialized communities should be consulted with respect to the collection, retention, analysis, and dissemination of race-based use of force data.**
- 18) On an annual basis, each police service in Canada should submit data on police use of force to an independent research body. This would enable the creation of a Canadian national police use of force dataset.**
- 19) Police services, their governing bodies, and the independent research body should release use of force data to the public on an annual basis.**
- 20) Police Services should engage in a continuous review of their use of force data collection and analysis practices so that they reflect emerging best practices.**



# **RE COURS À LA FORCE PAR LA POLICE AU CANADA : Analyse des données, de l'opinion d'experts et de la documentation de recherche internationale**

## **RÉSUMÉ**

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- JUIN 2021

Ce projet a été conçu par l'Association canadienne de justice pénale (ACJP)  
et financé en partie par Sécurité publique Canada.

## OBJECTIFS DE RECHERCHE

• Étonnamment, malgré son émergence comme enjeu social important, le recours à la force par la police a rarement fait l'objet de recherches empiriques, particulièrement dans le contexte canadien.

• Ce rapport de recherche, financé par Sécurité publique Canada, vise à combler ce manque en posant les questions suivantes : À quelle fréquence les services de police ont-ils recours à la force? La fréquence varie-t-elle selon le secteur de compétence? Au cours des dix dernières années, y a-t-il eu augmentation ou diminution du recours à la force? Quelles sont les pratiques exemplaires? Est-il possible de réduire le recours à la force en assurant la sécurité publique et celle des policiers? Où en est la recherche au Canada? Quels sont les moyens d'améliorer la collecte des données et la qualité des recherches?

## MÉTHODOLOGIE

- L'équipe de recherche a contacté trente-cinq services de police et dix organismes civils de surveillance de différentes régions du Canada.
- L'équipe a demandé à chaque organisme de l'information sur la collecte et la diffusion des données sur le recours à la force.
- L'équipe a également tenté d'avoir accès au formulaire de collecte de données de chaque service de police, de même qu'à leur base de données et leurs rapports internes sur le recours à la force.
- Nous avons demandé aux services de police de nous fournir le nom de leurs experts sur le recours à la force pour les interroger sur les pratiques exemplaires.
- Dans l'ensemble, seulement 19 des 35 services de police (54,3 %) et six des dix organismes de surveillance (60 %) ont accepté de participer à l'étude.
- Quatorze services de police (40 % de l'échantillon) nous ont permis de contacter leurs experts pour une entrevue.
- Même si nous avons pu consulter plusieurs rapports internes, aucun des services de police (0 %) n'a accordé à l'équipe de recherche l'accès à une base de données qui aurait permis une analyse indépendante.

• Nombre de facteurs peuvent avoir contribué au faible taux de participation, y compris un échéancier serré et la réticence de certains dirigeants policiers à participer à une étude qui aborde ce sujet délicat.

## ANALYSE DES DONNÉES CANADIENNES

- Notre équipe a pu obtenir de seize services de police et six organismes de surveillance un nombre limité de données qui étaient pour la plupart déjà accessibles publiquement.
- Une nouvelle analyse des données disponibles a mené à plusieurs constats importants.
- Le nombre d'interventions policières ayant comporté un recours à la force meurtrière n'a pas diminué depuis deux décennies, même si on tient compte de la croissance de la population. En fait, les interventions meurtrières sont légèrement en hausse à l'échelle du pays, malgré une augmentation de la formation en désescalade et des options d'intervention moins meurtrières.
- Les comparaisons entre les régions canadiennes se révèlent très problématiques vu les différents standards de collecte et de diffusion des données. Or, selon les données existantes, parallèlement à ce que les données sur les tendances criminelles révèlent, il y a une augmentation graduelle du recours à la force de l'est à l'ouest du pays. Les provinces maritimes ont le plus bas taux de recours à la force, devant l'Ontario et le Québec. Ce taux est à son plus haut dans les provinces de l'Ouest et les territoires.
- Les données indiquent que les fusillades mortelles et non mortelles ont augmenté au Canada au cours de la dernière décennie. Par exemple, entre 2010 et 2019, les fusillades mortelles de la GRC ont augmenté de 39 % et les fusillades non mortelles ont augmenté de 50 %. On a également constaté une augmentation de 12 % du nombre d'agents de la GRC pointant des armes à feu sur des civils.
- L'utilisation d'armes à impulsions (AI) a également augmenté de façon spectaculaire au Canada. Par exemple, entre 2010 et 2019, les déploiements d'armes à impulsions de la GRC ont augmenté de 134 %. On a également constaté une augmentation de 31 % du nombre d'agents de la GRC pointant des armes à impulsions sur des civils.
- D'autre part, l'utilisation par la police de techniques de contrôle dures et douces (frappes, coups de

poing, coups de pied, prises de pression, etc.) a considérablement diminué. Par exemple, entre 2010 et 2019, la GRC a connu une baisse de 46 % des coups de matraque, une baisse de 51 % de l'utilisation de l'aérosol capsique, une baisse de 56 % de l'utilisation de techniques de contrôle dur et une baisse de 47 % de l'utilisation de techniques de contrôle doux.

- Néanmoins, les services de police canadiens semblent tout à fait capables d'effectuer adéquatement la collecte des données sur les incidents ayant comporté un recours à la force. Ce constat confirme l'idée qu'il serait possible d'établir un processus standard de collecte et de diffusion des données.

### **ENTREVUES AVEC DES EXPERTS CANADIENS SUR LE RECOURS À LA FORCE**

- Nos entrevues avec douze experts des services de police et six porte-parole d'organismes de surveillance ont permis de recueillir de précieuses données concernant le recours à la force au Canada.
- Conformément à la documentation de recherche, les personnes interrogées mentionnent d'importants changements dans les politiques et les pratiques de recours à la force au Canada.
- La plupart disent constater une augmentation de l'encadrement et de la réglementation du recours à la force. Les services de police misent davantage sur une communication efficace et la désescalade.
- La majorité des personnes interrogées estiment que les nouvelles politiques, ainsi que l'amélioration de la formation et les options d'interventions non meurtrières (arme à impulsion, aérosol capsique, etc.) ont mené à une réduction du recours à la force au Canada au cours des deux dernières décennies. Cette perception ne correspond toutefois pas aux statistiques mentionnées ci-dessus.
- De nombreux participants reconnaissent que la surreprésentation des personnes atteintes de maladie mentale impliquées dans un incident ayant comporté le recours à la force est due au fait que la police doit trop souvent intervenir quand ces personnes sont en crise. Les coupes en santé mentale et dans les services sociaux aggravent ce problème. Ces participants sont d'avis que la police n'a pas les outils pour interagir de manière efficace avec ces personnes. À leurs yeux, le fait

d'offrir de la formation pour améliorer les résultats n'est pas une solution au problème.

- L'unanimité s'effrite en ce qui concerne le recours à la force impliquant des personnes racialisées. Un petit nombre de participants contestent la validité des données sur les inégalités raciales en soutenant que les médias américains déforment l'opinion canadienne. Mais d'autres participants mentionnent l'augmentation de la criminalité dans certains groupes racialisés ainsi que la marginalisation sociale et économique comme facteurs d'inégalité.
- Les participants ont proposé des mesures pour contrer les inégalités raciales liées au recours à la force, dont les suivantes : réduire l'iniquité sociale, accroître la représentation des groupes minoritaires au sein des services de police, promouvoir les efforts policiers à l'échelle communautaire et améliorer la formation offerte. Peu a été dit sur les mécanismes individuels et institutionnels qui peuvent contribuer à de telles inégalités.
- Nous voulions également connaître le point de vue général des participants sur les pratiques exemplaires et les façons de contrôler et surveiller le recours à la force.
- De nombreux participants ont souligné le manque de formation sur la communication efficace et la désescalade.
- Les opinions divergent quant à l'utilisation de caméras sur les policiers et dans les voitures pour réduire les cas de recours illégitime à la force. Cependant, des responsables d'organismes de surveillance ont souligné l'utilité des images de caméra d'intervention dans leurs enquêtes.
- D'ordre général, la présence d'organismes de surveillance de la police au Canada est vue d'un bon œil, même si leur incidence sur la nature et la portée du recours à la force reste à déterminer.
- Les participants souhaiteraient voir augmenter le nombre d'études canadiennes sur le recours à la force par la police. Ils appuient largement l'idée d'une stratégie nationale de collecte de données pour standardiser le processus.

## **RECOMMANDATIONS**

Dans la conclusion du rapport, nous avons formulé des recommandations visant l'amélioration des recherches concernant les données sur le recours à la force par la police au Canada. Nos recommandations visent également la réduction du recours à la force, particulièrement le recours à la force meurtrière. Elles s'appuient sur notre analyse des données canadiennes disponibles, nos entrevues avec des experts canadiens et notre examen de la documentation de recherche internationale sur le recours à la force et les pratiques exemplaires.

- 1) Les services de police et leurs dirigeants doivent consulter régulièrement la documentation de recherche sur le recours à la force pour déterminer les pratiques exemplaires émergentes.**
- 2) Les services de police doivent optimiser la mise en œuvre de politiques qui tiennent compte à la fois de la sécurité des policiers et de la population en restreignant les conditions qui permettent le recours à la force.**
- 3) Les policières et policiers canadiens doivent recevoir une formation de première qualité sur les techniques de désescalade.**
- 4) Les services de police doivent continuer d'évaluer l'efficacité de la technologie vidéo et son incidence sur le recours à la force.**
- 5) Les services de police et leurs dirigeants doivent adopter davantage d'options d'intervention moins meurtrières. Les armes à feu ne doivent être utilisées qu'en dernier recours.**
- 6) Les services de police doivent établir des stratégies d'intervention spécifiquement adaptées aux personnes armées qui ne sont pas en possession d'une arme à feu.**
- 7) Les services de police doivent entamer des efforts de réforme pour rompre avec les traditions machistes et militaristes.**
- 8) Les services de police doivent établir des stratégies pour réduire le nombre de personnes en détresse psychologique impliquées dans les interventions comportant un recours à la force.**
- 9) Les services de police doivent augmenter le recrutement des femmes.**
- 10) Les services de police doivent augmenter le recrutement des noirs, des autochtones et des autres personnes racialisées.**

**11) Les recrues doivent se soumettre à une évaluation sur la discrimination raciale et les compétences culturelles.**

**12) Les policiers et les policières doivent recevoir périodiquement de la formation sur les compétences culturelles et les mesures antidiscriminatoires.**

**13) Toute réforme visant les politiques, la formation et les technologies pertinentes doit faire l'objet d'une évaluation qui s'appuie sur des recherches sérieuses.**

**14) Pour assurer la qualité des recherches et des évaluations, un groupe de travail fédéral-provincial-territoriaux doit être créé afin de standardiser la méthode de collecte de données sur le recours à la force au Canada.**

**15) Le groupe de travail fédéral-provincial-territoriaux doit consulter des universitaires et des experts en recherche quantitative dans le cadre de la standardisation du processus.**

**16) La méthode standard de collecte de données doit tenir compte des variables importantes que présente la documentation de recherche, notamment les facteurs situationnels, les caractéristiques de la population et les caractéristiques de la police.**

**17) Les communautés racialisées doivent être consultées en ce qui concerne la collecte, la conservation, l'analyse et la diffusion des données sur le recours à la force impliquant des personnes racialisées.**

**18) Tous les ans, chaque service de police doit soumettre des données à un groupe de recherche indépendant. Cela vise à favoriser la création d'une base de données sur le recours à la force par la police au Canada.**

**19) Les services de police, leurs dirigeants et le groupe de recherche indépendant doivent publier annuellement leurs données sur le recours à la force.**

**20) Les services de police doivent revoir sur une base régulière leurs méthodes de collecte de données et d'analyse afin qu'elles reflètent les pratiques exemplaires émergentes.**



Robert (Bob) Chrismas



# CCJA INTERVIEW WITH ROBERT (BOB) CHRISMAS

## Use of Force in Canadian Policing

NANCY WRIGHT

*Justice Report*, Editor-in-Chief

**CCJA** ♦ Welcome to CCJA Interviews, Bob Chrismas, and thank you for speaking to our readers about use of force in policing. Please begin by telling us about your policing career and return to university to obtain a PhD in criminology, which led to you becoming an author.

**ROBERT CHRISMAS** ♦ Thank-you for calling on me. I am currently in my 32<sup>nd</sup> year with the Winnipeg Police Service. I've been fortunate to have had a diverse career, serving about half in various plain-clothes units and about half in uniform patrol duties. For much of the past 10 years, as a Staff Sergeant, I've worked in the front-line as Street Staff Sergeant, or acting up in rank as Duty Inspector, overseeing uniformed operations for the Police Service. When I am on duty, I am generally the highest-ranking officer on the street, directly overseeing our front-line officers.

I left school early to join the workforce but understood even at the age of 17 that education is important. So, when I returned to complete high school and start work in university part-time, I had a drive that kept me going. When I joined the Police Service I kept busy training for various roles, but I always felt I wanted an advanced education. Finally, 18 years into policing, I returned to work on graduate studies and really enjoyed it. I graduated my Master's in Public Administration in 2009 jointly between the Universities of

Manitoba and Winnipeg. The papers and research I did throughout my MPA became the core of my first book, *Canadian Policing in the 21st Century: A Frontline Officer on Challenges and Changes* (McGill-Queens University Press, 2013).

Completing my MPA was life changing. It supercharged my desire for further education. I was very fortunate to find the PhD program in peace and conflict studies at the University of Manitoba. I was not qualified at first, but I was encouraged to join the first cohort of the brand-new Master's in Peace and Conflict Studies. It gave me great opportunities, such as travelling across South Africa to study how the police regained trust (or didn't) after Apartheid. At a point I advised the University that I had almost completed my master's degree and had a pretty good grounding in the field of peace studies. They agreed and admitted me to the PhD program.

My doctoral dissertation, *Modern-day slavery and the sex industry: raising the voices of survivors and collaborators while confronting sex trafficking and exploitation in Manitoba, Canada* (MSpace, University of Manitoba, 2017), highlights my research, which involved interviewing 61 people with a combined 1,000 years of experience either combatting or participating in the sex industry. They described many tangible solutions to an intractable social problem. My book that flowed

from it, *Sex Industry Slavery: Protecting Canada's Youth* (University of Toronto Press, 2020), is my attempt to raise their voices further and keep our attention on issues that we all need to feel responsible for correcting.

Reconciliation is top of mind for many Canadians in 2021, as more proof of Canada's dark colonial history has been revealed with the unmarked graves of Indigenous youth across the country. Rectifying these past wrongs includes improving social conditions that are at the root of sex trafficking and exploitation, among many other issues. In our co-edited book, *Our Shared Future: Windows into Canada's Reconciliation Journey* (Lexington, 2020), Dr. Laura Reimer and I pulled together the voices of leaders across the country, many of whom are Indigenous, highlighting the great work that many have done, and continue to do, around reconciliation. Edmonton Police Chief Dale McFee and I co-authored a chapter on how policing has evolved in Canada over recent decades. I am very pleased to have learned that reviews of *Our Shared Future and Sex Industry Slavery* are forthcoming in future issues of the *Canadian Journal of Criminology and Criminal Justice*.

To date I have 38 publications including news and magazine articles, journal articles, book chapters and these three books. My first novel, *The River of Tears*, is coming out in September (2021). It is literary fiction and the story highlights issues around sex trafficking in Canada. I am also working on a book about policing, to show people what policing is really like in this era of police defunding and anti-police sentiment. My goal in writing is to raise awareness around justice issues and policing. To me, writing feels like a way for me to have broader influence and leave a mark.

**CCJA ◆ According to Global News (e.g., Erik Pindera, 4 June 2020), ethnicity may affect the use of force in Canadian policing. To what extent, if any, is ethnicity a factor in the use of force incidents in Manitoba? Does police reporting in Manitoba require identification of a suspect's ethnicity? If not, how can the problem of accountability be addressed?**

**ROBERT CHRISMAS ◆** It is often said that statistics can be made to say almost anything, depending on the way you interpret them. In my opinion, this is particularly the case in justice related issues. A

reduction or increase in a type of reported crime each year could mean people are calling the police more for a few reasons. For example, perhaps they have gained more confidence and trust that calling the police will help. Conversely, fewer reports do not necessarily mean that the actual number of incidents of a given type of crime are reduced. It could mean that people, for whatever reason, are not calling the police. It could mean the classification of that type of crime has changed. An increase in police use of force reports could indicate a change or greater compliance in a reporting policy. A reduction in complaints about the police might mean reduced incidences. It might also mean that people aren't calling in complaints because they feel nothing will be done.

For all these reasons I am very cautious about what we read into stats. For my own doctoral research into sex trafficking, I chose a purely qualitative approach, asking people with experience what they feel is important and what can be fixed. If I had taken a quantitative statistical approach, I feel I would have lost a lot of the depth of the humanity that this scourge of trafficking touches. For example, what meaning can we draw from X number of incidences of the word slavery in the thousand-page verbatim transcript of my interviews? What does the meaning of the word "slavery" have for a researcher or bureaucrat, as opposed to a person who was forcibly trafficked and/or enslaved in the sex industry for 15 years?

I bring the same caution to assumptions that people may make on things like ethnicity and racism. The police working in the impoverished neighborhoods have significantly more contact with people of diverse backgrounds. In many places in Canada those people are Indigenous. But it is not because they are over-policed. High crime rates in low socio-economic neighborhoods are not caused by the police, but they do draw a lot of resources from the police and other service sectors. These large resource draws are symptoms of deeper problems including poverty stemming from poor education and employment; problems that go way beyond what the police or any service sector can significantly affect on their own. I know the police in many areas strive to collect data on ethnicity; however, in my mind that data does not impact police service delivery. If anything, the police and other services like child protection may

deliberately assign more resources into diverse neighborhoods. This is because there is great awareness now of the challenges that newcomers and Indigenous people face, and people in the service agencies want to help.

In my experience, ethnicity does not play a role in use of force in modern policing. Use of force policies and training have become highly evolved over the past two decades. We now receive way more training and the tactics are more evolved, as are the tools. Thirty years ago, we carried a baton and then the next option would be to go straight to lethal force. Now, officers carry pepper spray, tasers, and they have more access to special weapons teams who are highly trained and have more choices of non-lethal weapons to draw on. In most places now they also carry or have access to spit socks, hobble devices and shackles. By the way, we also carry Narcan and other first aid supplies, and now must carry respirators, masks, and gloves for our own protection.

The use of force doctrine is highly developed, and officers now must report on what level of force was used and why at every encounter. The force used by officers must only be that required to respond safely to the resistance level offered by the suspect. Officers now have more training in constrained use of force as well as non-violent crisis intervention. They are trained in how to avoid injuring people who are in the throes of substance-induced psychosis. They are also trained in bias free policing, and non-violent crisis intervention for de-escalating events. They also receive training in how to work with people suffering a mental health crisis.

The modern-day police officer has, at least where I work, become very tactical and highly disciplined. In the modern context, we have seen increased violence and use of weapons in recent years. The reason for this can be a topic for another discussion, but let's just say the ongoing Meth crisis has added to it. On a daily basis police officers now are dealing with people in meth-induced psychosis, displaying unbelievable violence and strength. Therefore police officers must be vigilant in every interaction- regardless of people's ethnicity.

**CCJA** ♦ In 1992, the Winnipeg Police Service was awarded accreditation by the US-based Commission on Accreditation for Law Enforcement Agencies (CALEA) after three years of demonstrating compliance with international best practices. However, CALEA accreditation is not mandatory and only a few Canadian police services have opted for it. CALEA requires them to develop "directives in collaboration with mental health professionals, who can train or assist the agency with training..." Does this mean that Canada does not have its own policing training standards and reporting/oversight practices for dealing with ethnicity or mental health? If so, does the ensuing gap in knowledge and practice affect Canadian policing in relation to use of force as regards the mental health problems or the ethnicity of a suspect?

**ROBERT CHRISMAS** ♦ Early in my career I had the opportunity to be one of the first officers working in our Integrated Child Exploitation Unit (ICE). We developed some innovative policing practices that were adopted in similar ICE units across the country. Of course, we also learned from others. Our team was awarded the RCMP Unit Ensign award and RCMP Commissioner Zacaradelli presented it to us. He said something that really stuck with me to this day. He said almost every week he receives requests from countries around the world, for Canada to send Canadian police officers to assist them in training and developing their own. This speaks to credibility and high standards in Canadian policing in general.

I have had the good fortune to attend the Canadian Police College on several occasions for intensive training on a variety of topics including tactical intelligence analysis, serious crime investigation, major case team commander training, and more. Most of these courses were two weeks or longer and intense, drawing on experts from across the country. Now, a lot of this type of training is also offered online, so even more officers have access. I cannot even count the number of courses and trainings I've had throughout my career, and many of my colleagues are the same.

Police agencies are also bound by court rulings, inquest and inquiry findings, collective bargaining, and standards set by other agencies. So, I

would say there are high standards. They aren't necessarily set and published in one place, but none-the-less they are there. I worked in policing pre-accreditation and post. The accreditation process forces agencies to examine and keep up on a broad range of standards on a regular basis. It makes the agency examine policies that might otherwise not be looked at as often. It makes them keep up with internationally recognized high standards. I am not a policy expert, but in my experience agencies in Canada generally exceed standards required by CALEA. Standards, by definition, are a baseline and we often exceed that. Some of the policies that must be kept up for accreditation are costly and labour intensive, but they really keep agencies on top of internationally recognized policing standards. But that does not mean that unaccredited agencies have lower standards. They often will have standards that exceed CALEA's requirements.

Throughout my career I've seen a lot of policy affected by inquests and inquiries after major incidents involving the police. A common discussion in policing circles has been that this or that will change after an inquiry. So, in a way these court decisions have enshrined a lot of police policy. Also, court cases of course have affected policing practices a great deal across the country.

The Feeney case, for example, went to the Supreme Court of Canada in 1997. An officer arrested a person in his home for an offence that had occurred earlier. The courts later ruled that the officer required a warrant to enter the person's residence to make the arrest. The officer had not done anything that was considered wrong at the time of his action, but this one incident resulted in changes to tactics and policy for police agencies nationally. After the Feeney decision, officers across Canada were required to seek entry warrants when they planned to arrest persons in their homes, which has had a major effect on policing because of the time and work involved. Cases like this have shaped standards in policing nationally around and endless range of issues from disclosure of records to equipment and training, evidence gathering and so on.

**CCJA** ♦ Please give us any other insights you may have into solving the problem of use of force (i.e., the point at which it becomes police brutality) and policing in Canada.

**ROBERT CHRISMAS** ♦ We are living in an interesting era of policing in Canada. As close neighbours to the United States we feel some of the impact of the police defunding and Black Lives Matter movements that started there. There is a discourse around justifying police resources and tactics. From a policing perspective I believe that a lot of us feel that the essence of how essential policing is sometimes gets lost in the discussion. Now in my 32<sup>nd</sup> year of policing I literally still say to myself and to my colleagues almost daily, you must see this with your own eyes to believe it. The violence that occurs, the things people do, require society to have this tool to intervene and protect the vulnerable. There is a lot of room for discussion about much of what police do, but the core service is necessary for safe communities.

The police have historically, and to this day, tended to be drawn into providing services that go way beyond their mandate. One time, ten years ago when I oversaw our Missing Persons Unit, I led an audit and we found that we were investing 30,000 officer hours into looking for youth who had run away from their child protective services placements. This problem has only grown, and has been identified as a chronic problem and challenge across the country. Similarly, the draw on police resources dealing with people in various mental health crises has been declared in the past by the Canadian Association of Chiefs of Police as the number one challenge facing Canadian Policing. More resources for this are needed in the health system, where it belongs, and where the budgets are tenfold larger than police budgets. This problem persists as well. The discussion about police defunding really should be about redistributing responsibility for these issues to agencies where they belong, and leaving police budgets the same. This way the police could focus on their core mandates and be less strained to constantly do more with less. ■

## **BOOK PUBLICATIONS BY ROBERT CHRISMAS**

Chrismas, R. (coming in fall of 2021).  
***The River of Tears: A Captivating story about dignity, hope and reconciliation.***  
Novel. New York, NY: DIO Press.

Chrismas, R. (2020).  
***Sex Industry Slavery:  
Protecting Canada's Youth.***  
Toronto, ON (Canada): University of Toronto Press.  
<https://utorontopress.com/ca/sex-industry-slavery-2>

Reimer, L. & R. Chrismas (Eds.). (2020).  
***Our Shared Future: Windows into Canada's Reconciliation Journey.***  
New York, NY (USA): Lexington Books, Rowman & Littlefield.

Chrismas, R. (2013/14).  
***Canadian Policing in the 21<sup>st</sup> Century:  
A Frontline Officer on Challenges and Changes.***  
Montreal, QC (Canada): McGill-Queen's University Press.

Chrismas, R. (2017).  
***Modern-Day Slavery and the Sex Industry:  
Raising the Voices of Survivors and Collaborators While Confronting Sex Trafficking and Exploitation in Manitoba, Canada.***  
Doctoral dissertation: University of Manitoba: MSpace.

### RÉSUMÉ

#### **Use of Force in Canadian Policing: ENTRETIEN DE L'ACJP AVEC ROBERT (BOB) CHRISMAS**

**NANCY WRIGHT**  
*Actualités Justice*, rédactrice-en-chef

Entrevue de l'ACJP avec Bob Chrismas au sujet du recours à la force dans les services de police. M. Chrismas compte 32 ans de service dans la police de Winnipeg. Il est titulaire d'un doctorat en criminologie et a signé plusieurs livres et de nombreux articles.

# **Canadian Journal of Criminology and Criminal Justice**



## **UPCOMING SPECIAL ISSUE**

### **Understanding Controversies about Police Use of Force**

Guest Editor: Rémi Boivin

Recent fatal encounters where citizens were confronted by police officers raise questions about the use of force and, more generally, the role of the police in our societies. The deaths of George Floyd (Minneapolis, Minnesota), Michael Brown (Ferguson, Missouri), Sammy Yatim (Toronto, Ontario) and Alain Magloire (Montreal, Quebec) sparked social unrest and fueled political movements such as “Black lives matter” and “Defund the police”. Important discussions started following these events. In an upcoming special issue, the *Canadian Journal of Criminology and Criminal Justice* (CJCCJ) aims to further the conversation with a focus on the topic of the use of force by police or, more specifically, our understanding of the use of force by police. Our understanding of controversies about police use of force can be informed by knowledge in a diversity of research fields. This special issue of the CJCCJ seeks to contribute to the existing literature by presenting empirical studies informing on police use of force.

The special issue will be available Spring 2022. **Visit [utpjournals.press/cjccj](http://utpjournals.press/cjccj) for the latest criminology research in CJCCJ Advance Access.**

## **RECENT ADVANCE ACCESS ARTICLES**

**A Tale of Two Theories: Whither Social Disorganization Theory and the Routine Activities Approach?**

Jen-Li Shen, Martin A. Andresen

**Contacts with the Police and the Over-Representation of Indigenous Peoples in the Canadian Criminal Justice System**

Jean-Denis David, Megan Mitchell

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# **Revue canadienne de criminologie et de justice pénale**



**NUMÉRO SPÉCIAL À VENIR**

## **Comprendre les controverses entourant le recours à la force par la police**

Rédacteur invité : Rémi Boivin

Des confrontations fatales récentes entre citoyens et agents de police ont soulevé des questions au sujet du recours à la force et, de manière plus générale, le rôle de la police dans nos sociétés. Les morts de George Floyd (Minneapolis, Minnesota), de Michael Brown (Ferguson, Missouri), de Sammy Yatim (Toronto, Ontario) et d'Alain Magloire (Montréal, Québec) ont suscité des troubles sociaux et ont alimenté des mouvements politiques comme « Black Lives Matter » et « Définancer la police ». D'importantes discussions ont commencé à la suite de ces événements. Dans un numéro spécial à venir, la *Revue canadienne de criminologie et de justice pénale* (*RCCJP*) souhaite pousser la conversation en mettant l'accent sur le sujet du recours à la force par la police ou, plus spécifiquement, notre compréhension de ce recours à la force. Notre compréhension des controverses entourant le recours à la force par la police peut être fondée sur des connaissances venues d'une variété de champs de recherche. Ce numéro spécial de la *RCCJP* souhaite contribuer aux recherches existantes en présentant des études empiriques sur le recours à la force par la police.

Le numéro spécial sera disponible au printemps 2022. Veuillez visiter [utpjournals.press/cjccj](http://utpjournals.press/cjccj) pour consulter les recherches criminologiques les plus récentes dans « CJCCJ Advance Access ».

### **ARTICLES ADVANCE ACCESS RÉCENTS**

**A Tale of Two Theories: Whither Social Disorganization Theory and the Routine Activities Approach?**  
Jen-Li Shen, Martin A. Andresen

**Contacts with the Police and the Over-Representation of Indigenous Peoples in the Canadian Criminal Justice System**  
Jean-Denis David, Megan Mitchell

## YOUNG RESEARCHER CONTRIBUTIONS CONTRIBUTION DE JEUNES CHERCHEUR(E)S

**YOUNG RESEARCHER SECTION** - The CCJA congratulates JANAYA DUNN as the recipient of a Mount Royal University scholarship, the benefits of which include CCJA membership and publication of the following shortened, article-style version of her winning Honour's paper - "Female Offending and Mental Health in Canada" - in this issue of the *Justice Report*!

# Female Offending and Mental Health in Canada

**JANAYA DUNN**

Bachelor of Arts - Criminal Justice (Honours)  
Class of 2021: Mount Royal University (Calgary, AB)

*The link between criminality and women living with mental health issues has been somewhat overlooked in Canadian research. This could be due to lower crime and violence rates among females in comparison to males. According to Statistics Canada (2019), there was a slight decline in female Criminal Code offences from 2009 to 2017. Nonetheless, in 2017, females still accounted for 25% of individuals accused in police-reported incidents (Statistics Canada, 2019). In examining female offenders, many researchers look towards risk factors associated with home life, economic status, abuse, trauma, etc. Janaya Dunn puts a spotlight on female offenders and the link between mental health, offending trajectories, and overall criminality.*

### THE PIVOTAL IMPORTANCE OF MENTAL HEALTH DURING ADOLESCENCE

Delinquent behaviour in adolescence may be linked to female and male adult antisocial behaviour and misconduct. The high rate of mental health problems among incarcerated adolescents is a prevailing factor in their recidivism rates and responsibility to institutionalization (McDougall et al., 2013, p.101). As many as 80% of incarcerated youth in Canada meet the Diagnostic and Statistical Manual (DSM) criteria for at least one mental health condition (McDougall et al., 2013, p. 99). DSM-related mental health prevalence has been evidenced by rates greater than 40% in adolescents (Wareham & Boots, 2012, p.1004). Further, this high incidence of mental health issues among adolescents who have broken the law appears to be a factor in institutional offending and is more common among female adolescents participating in serious and persistent forms of misconduct (McDougall et al., 2013, p. 110).

According to McDougall et al. (2013), an institutionalized adolescent with a mental disorder like attention-deficit hyperactivity disorder (ADHD) is at greater risk of disruptive behaviours due to an inability to cope with stress generally and the demands of new restricted environments specifically (p.100-101). Children diagnosed with ADHD have "...higher levels of delinquent and deviant behaviour in adolescence and adulthood especially when these disruptive behaviours [associated with ADHD] begin in childhood" (Wareham, & Boots, 2012, p.1004). The inability to identify and treat problematic behaviour creates a gap that can foster increased delinquency. Like ADHD, oppositional defiant disorder (ODD), can be a precursor for youth violence and adult deviance (Wareham, & Boots, 2012, p. 1004). A study by Wareham and Boots (2012), showed that DSM-orientated mental health problems are significantly related to violence prevalence and occurrence among adolescents. Their research showed that

youths who self-reported prior violent behaviour were 2.6 times more likely to act in future violence (p.1016 & p.1019).

### **THE INTERSECTIONALITY OF ABUSE / MENTAL HEALTH / SUBSTANCE MISUSE / OFFENDING**

Too often, research tends to focus on symptoms of mental disorders, while failing to consider the factors that can lead to related antisocial behaviours. Although “there is a growing acceptance among mental health professionals that an association exists between mental disorder and violent and offending behaviours” (Wallace et al., 1998, pp. 482-483), other links had been going unexplored. A 2018 study conducted in Australia involving 470 incarcerated female offenders looked at the confluence of childhood abuse, mental health, and substance abuse and how they create a pathway to offending (Broidy, Payne & Piquero, 2018). The researchers found a contributive relation between childhood abuse and trauma and subsequent mental health symptoms that often lead to drug use: this complex combination sets the stage for offending (Broidy et al., 2018, p.1580). Specifically, females who experienced abuse at a younger age were significantly more likely to report illicit drug use, property crime, violent offending and mental illness symptoms (Broidy et al., 2018, p.1575).

Further research has shown childhood abuse and neglect are leading to crime and delinquency (Widom et al., 2018, p. 832). Along the same lines, earlier studies “suggest that experiences of interpersonal violence are linked to women’s entry into the criminal legal system as well as their mental health difficulties” (Lynch et al., 2017, p.799). Pathways from childhood abuse lead to a sequence of mental health symptoms, drug use, and chronic offending (Broidy et al., 2018, p.1575). Trauma from abuse that goes unresolved creates unhealthy thinking, habits, and behaviour, similar to the criminological life-course and strain theories. Events seen as life-changing or other significant stressors include childhood abuse, dysfunctional family, and the death of a loved one.

A child who experiences abuse and trauma is likely to develop mental health deficiencies with PTSD, anxiety, isolation, and/or depression, the internalization of which leads to other coping outlets such as drug/alcohol abuse and

delinquency. Therefore, there is a co-existing relationship between substance abuse and mental health (Wallace et al., 1998, p.482). However, one cannot account for all the variables and associations in this relationship, for mental disorders do not necessarily directly prompt substance abuse.

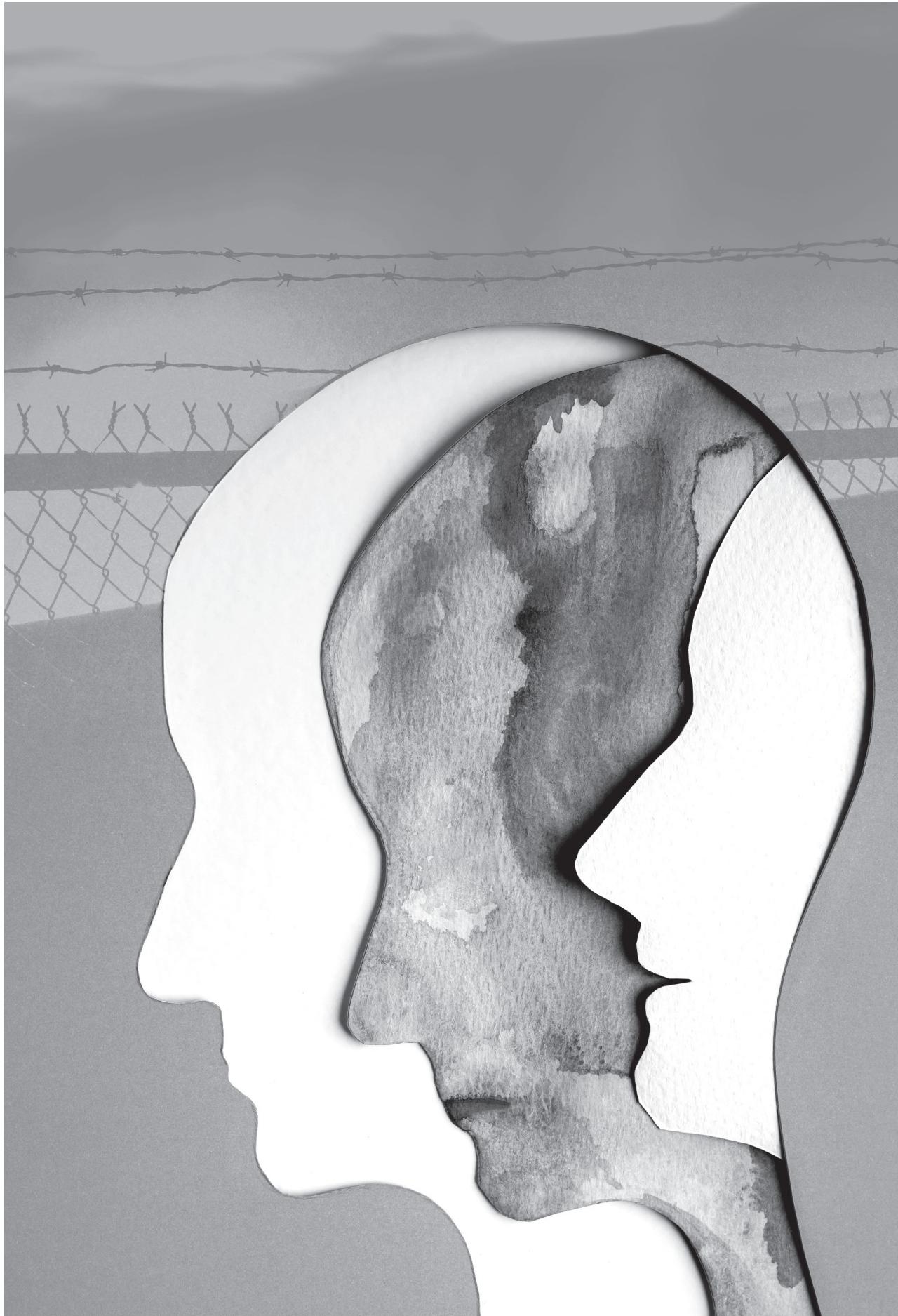
### **RESEARCH GAP: THE LINK BETWEEN FEMALE OFFENDING AND MENTAL ILLNESS**

In Canada, females aged 18-24 are characterized by the “age out” crime theory; they have higher offending rates that decline with age (Statistics Canada, 2019, Highlights). This is consistent with past research showing a female’s peak age for offending to be 16 years old (Statistics Canada, 2019). Surprisingly, there remains a deficit in research and concern about the link between female offending and mental health issues in Canada. The tragic circumstances around the death of Ashley Smith, who died in 2007 by strangling herself to death while incarcerated in a Canadian prison is a reminder of this (CBC News, 2013, para. 1).

During her teen years, Ashely had been defiant, disruptive, and disobedient, which resulted in many minor offences (CBC, 2010, para. 2001). By the time she was 15 years old, she had been to court many times and she had a history of self-harm in prison (CSC, December 2014). Ashley had a learning disorder, ADHD, borderline personality disorder, and narcissistic personality traits (CBC, 2010, March 9, 2003). Just hours before her death, Ashley told a correctional officer she wanted to die. However, these officers reported “they were told repeatedly not to enter her cell if she was still breathing” (CBC, 2010, Oct 19, 2007). Ashley’s death is to be used as a “case study to demonstrate how health care and Correctional Service of Canada (CSC) failed her” (CBC News, 2013, para.6).

### **FEMALE LAWBREAKERS AND RELATIONAL THEORY: DIVERSE SOCIAL STRESSORS**

“The presence of a mental health disorder [can be] relevant in delinquency outcomes in females but not as relevant for males” (McDougall et al., 2013, p.101). The *amount* of strain a person faces cannot explain the gender differences in crime; but the *type* of strain may be relevant, as it has a significant impact on emotional well-being (Broidy & Agnew, 1997, pp. 278-279). Females are more likely to be exposed to strain from over-responsibility,



financial status, home-life conditions, relationships, patriarchal societies; and, therefore, an inability to meet goals. Everyone experiences some type of anger and stress in response to strain; although females experience relatively more depression, guilt, anxiety, and other mental health conditions that often create self-destructive or defiant behaviour (Broidy & Agnew, 1997, p.287).

Relational theory is often mentioned in relation to female offenders. It considers the influence of isolation, disconnection and/or unhealthy relationships on the decision to commit crime (Anumba et al., 2012, p.1205). The most common factors in this theory stem from a disconnect that can result from victimization, be it physical, emotional, or sexual abuse, and leads to physiological isolation stunting psychological growth and wellness (Anumba et al., 2012, p.1205). Thanks to collaborative research and explanations of theories, researchers have begun to recognize the needs and vulnerabilities of female offenders (Anumba et al., 2012, p.1205).

#### **FEMALES: THE VICTIMIZATION - MENTAL HEALTH PATHWAY TO CRIME**

A history of victimization can be a considerable risk factor for future mental health problems and criminal behaviour. Victimization history may or may not directly influence the likelihood of criminal recidivism but will impact their vulnerability, stress, and mental health (Anumba et al., 2012, p.1204). For instance, studies have shown that females who were victimized placed higher “scores” concerning significant, unpredictable, and recent life stressors (Anumba et al., 2012, p.1213). Although these results provide a greater understanding of how victimization can lead to stress and thus increased risk of criminality, it is important to also consider that certain social functions such as education, structure, and relationships, such as non-criminal friends, can serve as a stress buffer (Anumba et al., 2012, 1213).

Researchers Lynch et al. (2017) also found a link between victimization and mental illness, victimization and offending, and mental illness and offending (p.797). In a study conducted in the United States with a sample of 100 female inmates on mental health functioning and trauma exposure, one third met the criteria for post-

traumatic stress disorder (PTSD), major depressive disorder, or bipolar disorder (Lynch et al., 2017, p.798). These are serious DSM psychological disorders known to produce mental-health symptoms like altered behaviour which could project into criminal behavior. Adults who reported their victimization gave indicators of poorer lifetime mental health which could lead to substance abuse disorders and poor mental health as a significant predictor to a greater number of convictions (Lynch et al., 2017, p.810).

#### **CONCLUSION**

A complex intersection of risk factors contributes to women entering or engaging with the criminal justice system. A review of the relevant research has demonstrated that severe mental illness leads to a higher prevalence of conviction, meaning many convicted women suffer from mental illness. However, such a diagnosis is still considered a weak predictor for violent behaviour. Considerable debate and a research gap exist around the treatment of female lawbreakers within the criminal justice system who are mentally ill. Further research is needed to better understand how behaviour, actions, and thoughts are influenced by mental illness. A better understanding of the link between childhood trauma, experience of victimization with abuse or crime, poor mental health, and later criminality is needed to propose models that reassess the mental health needs of the majority of female inmates to ensure fair treatment and successful rehabilitation and reintegration. After all, an individual’s ‘victimization history’ may be linked to other factors that are crucial in developing an understanding of the exact individual for whom, ultimately, a given rehabilitation model is put in place to help. ■

#### **REFERENCES**

- Anumba, N., Dematteo, D., & Heilbrun, K. (2012). Social functioning, victimization, and mental health among female offenders. *Criminal Justice and Behavior* 39(9): p.1204-1218. <https://doi.org.libproxy.mtroyal.ca/10.1177/0093854812443489>
- Broidy, L., & Agnew, R. (1997). Gender and crime: a general strain theory perspective. *Journal of Research in Crime and Delinquency* 34(3): p.275-306. <https://doi.org/10.1177/0022427897034003001>
- Broidy, L., Payne, J., & Piquero, R. A., (2018). Making sense of heterogeneity in the influence of childhood abuse, mental health, and drug use on women's offending pathways. *Criminal Justice and Behavior* 45(10): p.1565-1587. <https://doi.org/10.1177/0093854818776687>
- CBC News (2013). Ashley Smith coroner's jury rules prison death a homicide. Retrieved February 23, 2019, from [www.cbc.ca/news/canada/new-brunswick/ashley-smith-coroner-s-jury-rules-prison-death-a-homicide-1.2469527](http://www.cbc.ca/news/canada/new-brunswick/ashley-smith-coroner-s-jury-rules-prison-death-a-homicide-1.2469527)
- CBC News (2010). Timeline: the life and death of Ashley Smith. [Blog post] Retrieved from <https://www.cbc.ca/fifth/blog/the-life-and-death-of-ashley-smith>
- Correctional Service Canada. (December 2014). *Response to the Coroner's inquest touching the death of Ashley Smith*. Retrieved from Government of Canada CSC website: [www.csc-scc.gc.ca/publications/005007-9011-eng.shtml](http://www.csc-scc.gc.ca/publications/005007-9011-eng.shtml)

Lynch, M. S., Dehart, D. D., Belknap, J., Green, L. B., Dass-Brailsford, P., Johnson, M. K., & Wong, M. M. (2017). An examination of the associations among victimization, mental health, and offending in women. *Criminal Justice and Behavior* 44(6): 796-814.  
<https://doi.org/10.1177/0093854817704452>

Markowitz, E. F. (2011). Mental illness, crime, and violence: Risk, context, and social control. *Aggression and Violent Behaviour*, 16(1), p.36-44.  
<https://doi.org/10.1016/j.avb.2010.10.003>

McDougall, A., Campbell, M., & Darcy, A., S. (2013). Institutional offence patterns in adolescent offenders: the role of antisocial and mental health indicators. *Youth Violence and Juvenile Justice*, 11(2), p. 99-114.  
<https://doi.org/10.1177/1541204012457960>

Statistics Canada (2019). Female offenders in Canada, 2017. Retrieved February 13, 2019, from [www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00001-eng.htm](http://www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00001-eng.htm)

Wallace, C., Mullen, P., Burgess, P., Palmer, S., Ruschena, D., & Browne, C. (1998). Serious criminal offending and mental disorder – Case linkage study. *The British Journal of Psychiatry*, (172), p.477-484.

Widom, H. C., Fisher, H. J., Nagin, S. D., & Piquero, R. A. (2018) A prospective examination of criminal career trajectories in abused and neglected males and females followed up into middle adulthood. *Journal of Quantitative Criminology*, 34(3), p.831-852. <https://doi.org/10.1007/s10940-017-9356-7>

## RÉSUMÉ

L'ACJP félicite JANAYA DUNN, récipiendaire d'une bourse de l'Université Mount Royal, dont les avantages comprennent l'adhésion à l'ACJP et la publication, dans ce numéro d'*Actualités Justice*, de la version abrégée du mémoire de spécialisation pour lequel elle a été remarquée, qui porte sur la délinquance féminine et la santé mentale au Canada (« Female Offending and Mental Health in Canada »).

### Female Offending and Mental Health in Canada

#### JANAYA DUNN

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Les études menées au Canada ont quelque peu négligé le lien entre la criminalité et les femmes aux prises avec des problèmes de santé mentale. Cela s'explique peut-être par le fait que les taux de criminalité et de violence sont plus faibles chez les femmes que chez les hommes. Selon Statistique Canada (2019), entre 2009 et 2017, les infractions au *Code criminel* commises par des femmes ont enregistré une légère baisse. Néanmoins, en 2017, les femmes représentaient encore 25 % des personnes accusées dans les incidents déclarés par la police (Statistique Canada, 2019). Les études sur les délinquantes explorent surtout les facteurs de risque associés à la vie familiale, à la situation économique, aux mauvais traitements, aux traumatismes, etc. Cet article examine la délinquance chez les femmes dans ses rapports avec la santé mentale, les trajectoires de délinquance et la criminalité globale.

# Mental Health and Substance Use in Corrections: Changing Perspectives and Advocating for Interdisciplinary Collaboration

PATRICIA DOIRON

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*Corrections in Canada is mainly populated by people living with substance use issues, mental health conditions, or both. Interdisciplinary collaboration is the matrix of successful community reintegration and lies at the intersection between health and corrections. Understanding this medico-legal borderland is key to helping people entering the Canadian criminal justice system with underlying substance use and mental health conditions. A comprehensive and informed understanding of life experiences and concurrent disorders can assist in providing more effective, evidence-based models of rehabilitative care.*

The Canadian correctional system has been referred to as a medico-legal borderland where “contemporary jurisprudence and healthcare intersect at a densely populated borderland” (Timmermans & Gabe, 2002, p. 507). This medico-legal borderland has developed over time. In a review of the prison population between 1940-1955, James Ogleff, a professor with a background in psychology and law, found that the number of incarcerated people increased by more than three times following the mental-health deinstitutionalization movement (Ogleff, 2002, p. 4). The Hon. Justice Richard D. Schneider writes that “the disempowerment of the civil mental health care system necessarily led to the forensic systems growth” (2015, p. 10).

The intersectionality of health and corrections is evident in recent statistics on Canadian institutions. A report by Public Safety Canada (2020) notes that, in 2018-19, healthcare-related issues were the basis of most complaints received by the Office of the Correctional Investigator (OCI). Many people who come into contact with the CJS system are living

with mental health problems and/or substance use (Somers et al, 2008, p. 1). Concurrent disorders occur when an individual has both a substance use disorder and a mental health disorder (Krausz, 2010, p. 7). This adds significant complexity, requiring treatment that addresses the interactions between multiple conditions (Krausz, 2010, p. 7).

## MOST INMATES IN CANADIAN PRISONS HAVE SUBSTANCE USE PROBLEMS

According to Statistics Canada, of the people who receive a custodial sentence in Saskatchewan, 95 percent have problems associated with substance use (Moser et al., 2014, p. 462). Federally, 81 percent of people who receive a custodial sentence have substance use problems (Moser et al., 2014, p. 462). However, it is important to note that “Estimating the prevalence of mental disorder in the criminal justice system is a somewhat inexact practice as the population is inconsistently defined and markedly heterogeneous” (McKiernan, 2017, p. 13). When I began my undergraduate thesis on Drug Treatment Courts (DTCs) as an alternative to incarceration, in the fall of 2020, I found these statistics striking.

Presented with high percentages of substance use and mental health issues in corrections, I concluded, in agreement with many Canadian scholars and practitioners, that community reintegration is a significant consideration that must not be overlooked.

### **PROGRAM TAILORING FOR GENDER, CULTURE, AND HISTORY OF TRAUMA**

Moser et al, (2014) call for a treatment plan that is individualized when working with people who are in a correctional setting and have a mental illness and/or substance use disorder (p. 463). This approach is complemented by a report, written by McKiernan (2017) for the Canadian Centre on Substance Use and Addiction, recognizing that the circumstances of each individual coming into contact with the Canadian justice system are unique. McKiernan suggests that, “research shows tailored programming that takes into consideration gender, culture, and history of trauma is more effective than programs that do not” (2017, p. 2). While continuity of care post release is a gap that must be filled, social-services capacity is typically lacking within the community setting (2017, p. 5). Successful reintegration is at the foundation of creating sustainable communities, but evidence-based practices are required to help those on probation, parole or incarcerated and living with mental health challenges or substance use problems.

Problematic Substance Use (PSU) can create barriers for people reintegrating into the community after a period of incarceration (McKiernan, 2017, p. 2). The Hon. Justice Richard D. Schneider writes that, “As many have observed, forensic patients are, for the most part, patients, as any others, of the civil mental health care who received inadequate supports and treatment” (2015, p. 6). In order to help with community reintegration, taking a comprehensive look upstream, to help understand the issues that may have led an individual to substance use and/or mental health issues is essential. This may help avoid the rhetoric of ‘just deserts’ within corrections, which may lead to overly punitive measures that overlook the experience of the individual. Already vulnerable populations face unique challenges within the realm of substance use and mental health (Krausz, 2010, p. 10). As Krausz points out, “through their limited ability

to cope with everyday challenges and the stigma attached to their conditions, these individuals may become homeless, socially marginalized and criminally involved” (2010, p. 10).

Interdisciplinary collaboration is an important step in ensuring that those who do not necessarily need to be incarcerated can access help and services outside of corrections. Somers et al., (2008) write that a key aspect of community collaboration amongst mental health, substance use and justice is “longitudinal knowledge about how services interact, and about sub-groups that might differ in their respective risks and needs” (p. 1). Implementing longitudinal studies of this type may help professionals and practitioners recognize the gaps impacting the implementation of evidence-based programs and strategies. Gabor Mate, a physician who spent several years working in Vancouver’s Downtown Eastside calls for a greater “integration of knowledge” amongst researchers and community members in different, but related, fields (2018, p. 296). U.S. researchers found that interprofessional collaboration is highly valued within community settings to address the mental health needs of individuals on parole, probation, or with a previous history of criminal activity within the Appalachian region in the United States (Lasher and Stinson, 2020, p. 617).

Canadian experts Professor Robert M. Solomon and Professor Emeritus Sydney J. Usprich, explain that “substance use treatment often cuts across the criminal justice, healthcare, child welfare, education and employment systems” (2014, p. 675). Therefore, while substance use may not be the “primary focus” of a job description, professionals and practitioners may well find themselves working with people who have substance use issues (Jesseman, et al., 2014, p. 734). The justice system has become populated by many individuals having mental health issues and/or living with substance use. Interdisciplinary collaboration is a key component in helping these individuals to (re)integrate successfully into a community setting subsequent to having committed an offence in Canada. ■

## REFERENCES

- Jesseman, R., Brown, D., & Skinner, W. (2014). Care pathways for healing journeys: Toward an integrated system of services and supports. [In Marilyn Herie & W. J. Skinner (Eds.). (2014). Fundamentals of addiction: a practical guide for counsellors (4th ed., pp. 734-753). Centre for Addiction and Mental Health.]
- Krausz, M. (2010). Substance use and mental health disorders — An introduction to concurrent disorders. In Substance abuse in Canada: concurrent disorders. Canadian Centre on substance use and addiction. [www.ccsa.ca/sites/default/files/2019-04/ccsa-011811-2010.pdf](http://www.ccsa.ca/sites/default/files/2019-04/ccsa-011811-2010.pdf)
- Lasher, M.P., & Stinson, J.D. (2020). Built on respect and good honest communication: A study of partnerships between mental health providers and community corrections. *Administration and policy in mental health and mental health services research* (47): p. 617-631. Springer Nature.
- Mate, G. (2018). In the realm of hungry ghosts. Vintage Canada.
- McKiernan, A. (2017). Supporting reintegration in corrections by addressing problematic substance use. Canadian Centre on Substance use and Addiction.
- Moser, A.E., Matheson, F.I., Grant, B.R., & Weekes, John, R. (2014). Treating addictions in correctional settings. [In Marilyn Herie & W. J. Skinner (Eds.). (2014). Fundamentals of addiction: a practical guide for counsellors (4th ed., pp.462-479). Centre for Addiction and Mental Health.]
- Ogloff, J. (2002). Identifying and accommodating the needs of mentally ill people in gaols and prisons. *Psychiatry, Psychology, and Law* (9): p. 1-33.
- Public Safety Canada. (2020). 2019 Corrections and Conditional Release Statistical Overview. [www.publicsafety.gc.ca/cnt/rsrcs/pblctns/ccrso-2019/index-en.aspx#c1](http://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/ccrso-2019/index-en.aspx#c1)
- Schneider, R.D. (2015). The mentally ill: how they become enmeshed in the Criminal Justice System and how we might get them out. Department of Justice Canada.
- Solomon, R.M., & Usprich, S.J. (2014). Legal issues. In M. Herie & W. Skinner (Eds.), Fundamentals of addiction (4th ed., pp. 675-702). Centre for Addiction and Mental Health.
- Somers, J.M., Carter, L., & Russo, J. (2008). Corrections, health and human services: evidence-based planning and evaluation. Centre for Applied Research in Mental Health & Addiction.
- Timmermans, S & Gabe, J. (2002). Introductions: Connecting criminology and sociology of health and illness. *Sociology of Health and Illness* (24): p. 501-516.

## RÉSUMÉ

### **Mental Health and Substance Use in Corrections: Changing Perspectives and Advocating for Interdisciplinary Collaboration**

**PATRICIA DOIRON**  
BCS, B.A. (spécialisé)

Des établissements correctionnels au Canada sont essentiellement peuplés de personnes aux prises avec des problèmes de toxicomanie, de santé mentale, ou les deux. La collaboration interdisciplinaire est la pierre angulaire d'une réinsertion communautaire réussie et se situe à l'intersection de la santé et des services correctionnels. Comprendre cette frontière médico-légale est essentiel afin d'aider les personnes ayant des problèmes sous-jacents de toxicomanie et de santé mentale qui entrent dans le système de justice pénale canadien et qui connaissent. Patricia Doiron explore l'idée selon laquelle on pourrait obtenir des modèles de soins et de réadaptation plus efficaces et fondés sur des faits probants si l'on avait une compréhension plus globale et plus éclairée du vécu et des troubles concomitants de ces personnes.

## PART 2 Critical Thinking and Criminal Decision Making

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*Part 1 of this article, in Justice Report 36.2 (2021), explored various theories of criminogenic behaviour and decision making dating back through time up to present day's gang phenomenon. This final section will explore how research points to emotions having a major impact on decision making to the point of taking over the decision making process completely, leaving no room for considering risk or costs. The author explores the gang lifestyle, pointing out that social marginalization, such as poverty or racial intolerance/discrimination, seems to make certain youth emotionally vulnerable to the allure of a subcultural society, such as a gang. Part 2 here delves deeper into the gang phenomenon and recently formulated frameworks for criminal decision making. Read Part One in Justice Report No. 36.2 at [www.justicereport.ca](http://www.justicereport.ca)!*

### CURRENT FRAMEWORKS FOR CRIMINAL DECISION MAKING

#### 'Hot/Cool' Frameworks

The hot/cool framework for criminal decision making, defined by Elffers and Van Gelder (2017), explores the difference or discrepancy of people's cognitive evaluations of a criminogenic situation and their affective reactions to it. The 'cool' mode of processing is outlined as a sophisticated way of thinking and functioning, including deliberate judgements, and planning to override the possibility of impulses initiated by the 'hot' mode of processing (Elffers and Van Gelder, 2017). The cool model is therefore aware of risk probabilities and social costs and has the capability of weighing long term consequences and projections of decisions, operating 'optionally' (Elffers and Van Gelder, 2017, page 127).

The 'hot' mode of processing is described as an "impulsive system" and assesses situations with a more "intuitive and automatic way" and therefore disregards long term consequences and probabilities (Elffers and Van Gelder, 2017, page 127). At this stage, the individual is not concerned with the ability to recognize the range of outcomes from certainty to impossibility and operates more

automatically with "only partial conscious" (ibid.). Emotions such as fear and anger belong in this domain. Nico Frijda (1988) explains "emotions know no probabilities. They do not weigh likelihoods. What they know, they know for sure" (p.355).

To further describe the correlation between emotions and decision making, Elffers and Van Gelder (2017) explain that "emotions are influenced by the time interval between a decision and the realization of outcomes, physical proximity, and the degree to which a risk is known or controllable" (page 127). The decisions made with the 'hot' mode may or may not be followed by decisions made by the 'cool' mode, meaning that these modes can work together to influence behavior.

The 'hot' mode inherently explains why an individual's behaviors and thinking can deviate from or contradict a beneficial course of actions (Elffers and Van Gelder, 2017). Both of these modes may feed off of the other to produce a criminal decision or may work against making a criminal choice. An example of a biased decision within the 'hot' framework would be a juror disregarding evidence for an attraction to the defendant. The

emotions took over the decision making and there was no consideration for risk probabilities or social cost. The ‘cold’ framework would include more logic and critical analysis.

### **Background Factors Related to the Gang Lifestyle**

Criminal behaviours and decision making can be attributed to a gang or group lifestyle. Many crimes are “committed by groups rather than lone offenders” (Carrington, 2002, page 1). Social factors such as dysfunctional family life, lack of education or opportunity, weak social bonds, low self-esteem, discrimination, abuse and a need for disposable cash can all play significant parts in influencing people to make criminal decisions or join gangs (Lim, 2019).

Chrismas (2013) describes group thinking as “tunnel vision” as it may not often include effective decision makers but “yes men” who agree to decisions that may have a negative impact (Chrismas, 2013, p. 113). Many gangs in Winnipeg focus on the recruitment and grooming of new visible minority immigrant youth from war-torn countries, whose vulnerability is partly due to a lack of resources for those people (Brodbeck, 2013). Many refugees, and even local people who join gangs, have grown up in impoverished environments with cultures of violence (*ibid.*). Situations that criminals face can force them to break bonds and relations with their biological families, which further isolates them from mainstream society and integrates them with the gang culture (Brodbeck, 2013). In these situations, individuals tend to disregard the costs of crime and maintain a nothing-to-lose attitude (*ibid.*).

Chrismas (2013) explores how a background factor such as a dysfunctional family life can impact an individual’s way of thinking and behaviour: “One sixteen-year-old boy, who had been involved in a gunfight with high-powdered rifles with other boys on the First Nations reserve where he lived, told me that his father was an inmate in Stony Mountain, Manitoba’s federal prison, and his uncle was at Headingley, the largest provincial jail. He was hoping for federal time (a sentence of two years or more is served in a federal prison), in order to be with his father” (p. 21). Factors such as weather can also impact an individual’s reason to commit crimes as Chrismas (2013) describes “we

get ‘snowbirds’, street people who commit crimes in order to get into jail so that they have food and shelter during the harsh winter months” (page 22).

This understanding follows the research of Volkan Topalli (2011) a professor of Criminal Justice at the Georgia State University, who determined that “cognivists regard decision making as a continuous process based on an individual’s interaction with the environment”. This idea focuses on both the individual and the larger social and cultural context. Social scientists see decision making as a “problem solving pursuit that ends when an acceptable or suitable solution is reached” (*ibid.*). Jack Katz (1988), a professor of Sociology at the University of California, Los Angeles, explains that decision making is not only based on background factors that are usually related to crime, as stated above, but also “the foreground dynamics of crime (those aspects of the criminal opportunity that attract the offender to act at a given moment in time)”. Thus, street life and street culture contribute and shape criminal decision making (Shover, 1996).

Criminal decision making is often seen as a group occurrence. People can pressure or persuade an individual to commit a crime. Being in a group can give an individual a sense of confidence, safety, and pride that they are not finding in their home or individual life. Individuals within gangs can thus be motivated by the lure of money and/or drugs to show off (e.g. gain a ‘social’ status) courage or ability when faced with fear, willingness to take risks, and loyalty to the certain gang (by killing enemy gang members) because “gangs are important agents of socialization that help shape a gang member’s sense of self and identity” (Cromwell, 2010, p. 314).

Such individuals focus on the monetary benefits and social stature rather than the negative outcomes of arrest, incarceration or even death. Criminals may often feel they have little or nothing to lose by committing criminal acts and risking arrest or incarceration. People need a sense of purpose in life. The gang culture, simply put, can provide to young people who see no opportunities to succeed in the “mainstream” or non-gang life. They may willingly take on the risks of criminal activity just for the sense of achievement. Crime in the gang context may

be about maintaining the cultural values of the group as much as it is to relish the immediate rewards of disposable cash for street drugs, alcohol, fancy cars, and showing off. Decisions to commit crimes, in the context of the gang culture, can make sense to the involved individual, even if it does not make sense to those of us looking in from a completely different worldview.

### **Drugs, Emotion, and Rational Choice**

Young individuals can often be recruited into gangs with a fantasy of a “party” lifestyle that involves drugs, alcohol, sex, violence and even behavior that risks serious injury or death. This gang culture or lifestyle can be very risky and very dangerous, perhaps for this reason, appealing most to young people in their formative adolescent years. Individuals who adopt this lifestyle that promotes partying, the need for disposable cash and autonomy, also can end up abusing street drugs and alcohol, often excessively. These elements can put an individual into a certain routine with values and priorities that do not involve planning safely for the future. The routines and values involved in the “party” lifestyle can offer individuals into opportunities that make crime seem attractive. In layman’s terms, if they are enjoying the party and all the trappings that go with it, gang members likely feel strong desires to maintain it, even if it means committing crimes and risking their well-being. Chrismas (2013) has reiterated this point as “criminal behaviour... driven by emotion or substance abuse that overrides reason”, he describes that most people would commit crimes out of acts of desperation, with “very little regard for the risks” as they may be contributing to an alcohol or drug addiction (page 22).

With the gang lifestyle, individuals develop a framework for making choices based on gang values and culture. Elements such as “pleasure and status, exist through conspicuous leisure and consumption with minimal concern for obligation and commitments that are external to the immediate social setting” (Cromwell, 2010, p. 50). The most significant defining element of street crime is violence, and how it is used to settle disputes and achieve goals. Rewards for criminal behavior include things such as autonomy, excitement, status and camaraderie. People committing criminal acts often simply have

different priorities and considerations in making decisions, due to values and priorities they have adopted within the context of the gang culture. According to Cromwell, “to varying degrees, incremental signaling, opportunity convergence, constraining and enabling actions by others and the situational dynamics of the criminal setting can shape criminal decisions” (2010, p. 60).

### **CONCLUSIONS**

When it comes to gangs, criminal decision making can be deeply motivated by the offenders’ “party” lifestyle. The “party” lifestyle values spontaneity, which means that rational long-term planning is put to the side in order to live in the present and enjoy the moment without worrying about the consequences of immediate actions, or investments in the future.

As well, once in a gang, offenders may feel they have no chance of escaping the gang life and obtaining a good, steady job. Accustomed to the gang life, they are often challenged with the prospect of handling even the small amount of autonomy involved with a low-paying ‘straight’ job or staying out of trouble on a tight budget when one has become predisposed by experience to take criminal shortcuts in life. Sub-cultural social bonds, low self-control, social disorganizations, unemployment, poverty, racial intolerance/discrimination, deviant peers, and money can contribute to the bad decisions involved in committing a criminal act.

Perhaps one prevention strategy could involve education and therapy to support an awareness among individuals about the impact of vulnerability or environmental predisposition, in the aim of helping them realize they can be productive and happier in the long run if they choose to stay on the straight and narrow path. ■

## REFERENCES (PART 1 AND PART 2)

- Brodbecck, T. November 21, 2013. "The Gangs of Winnipeg". Winnipeg Sun. Retrieved from [www.winnipegsun.com/2013/11/21/the-gangs-of-winnipeg](http://www.winnipegsun.com/2013/11/21/the-gangs-of-winnipeg)
- Carrington, P. J. (2002). *Group crime in Canada*. Canadian Journal of Criminology 44(3), 277–315. Retrieved from <http://search.ebscohost.com/login.aspx?direct=true&db=i3h&AN=7195969&site=ehost-live>
- Chrismas, R (2013). "Canadian policing in the 21<sup>st</sup> century". McGill-Queens University Press.
- Clarke, R. V. G. (1980). Situational crime prevention: theory and practice. *British Journal of Criminology*, 20(1), 136–147.
- Cromwell, P. (2010). "In their own words, criminals on crime: An Anthology". New York, Oxford University Press.
- Coorhert, D. Vzn. (1587/1985) "Boeventucht". Muiderberg: Coutinho.
- Descartes, R. (1649/1989). "Passions of the Soul". Indianapolis, IN: Hackett.
- Dunbar, L. (2017). "Research Report: Youth Gangs in Canada: A Review of Current Topics and Issues". Her Majesty the Queen in Right of Canada. ISBN Number: 978-0-660-07949-3
- Elffers, H & Van Gelder, Jean-Louis. (2017). "Criminal decision making: time to reject the rational choice theory and go on with the dual process theory?" Retrieved from: [www.researchgate.net/profile/Jean-Louis-Van-Gelder/publication/318658410\\_Criminal\\_decision\\_making\\_time\\_to\\_reject\\_the\\_rational\\_choice\\_theory\\_and\\_go\\_on\\_with\\_the\\_dual\\_process\\_theory/links/59e9b952458515c36389ed1c/Criminal-decision-making-time-to-reject-the-rational-choice-theory-and-go-on-with-the-dual-process-theory.pdf](http://www.researchgate.net/profile/Jean-Louis-Van-Gelder/publication/318658410_Criminal_decision_making_time_to_reject_the_rational_choice_theory_and_go_on_with_the_dual_process_theory/links/59e9b952458515c36389ed1c/Criminal-decision-making-time-to-reject-the-rational-choice-theory-and-go-on-with-the-dual-process-theory.pdf)
- Elster, J. (1989). "Nuts and bolts for the Social Sciences". Cambridge: Cambridge University Press.
- Felson, M. (2008). Routine activity approach. In R. Wortley & L. Mazerolle (Eds.), "Environmental criminology and crime analysis" (pp. 70–77). Portland, OR: Willan Publishing.
- Frijda, N. H. (1988). "The laws of emotion". American Psychologist, 43, 349–358.
- Hume, D., (1739-40/1985). "A Treatise of Human Nature". Harmondsworth: Penguin.
- Katz, J. (1988). "Seductions of crime: Moral and sensual attractions in doing evil". New York: Basic Books.
- Lim, S. (2019). "Social economics". Retrieved from: [www.investopedia.com/terms/s/social-economics.asp](http://www.investopedia.com/terms/s/social-economics.asp)
- Malone, J. (2017). "John B. Watson Behaviorism". University of Tennessee. Retrieved from Research Gate.
- McLeod, S. A. (2008). Social roles. Simply Psychology. [www.simplypsychology.org/social-roles.html](http://www.simplypsychology.org/social-roles.html)
- Merriam-Webster Dictionary (2019). *Criminogenic Definition*. Retrieved from: [www.merriam-webster.com/legal/criminogenic](http://www.merriam-webster.com/legal/criminogenic)
- Shover, N. (1996). "Great pretenders: Pursuits and careers of persistent thieves". Crime and Society. Boulder, CO: Westview.
- Smith, A. (1790). "The theory of moral sentiments" (6<sup>th</sup> ed). London: Printed for A. Millar, in the Strand, and A. Kincaid and J. Bell, in Edinburgh MDCLXIX.
- Statistics Canada. (2019). *Crime severity index and weighted clearance rates, Canada, provinces, territories and Census Metropolitan Areas*. Retrieved from: [www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510002601&pickMembers%5B0%5D=1.29](http://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510002601&pickMembers%5B0%5D=1.29)
- Topalli, V. (2011). "Offender decision-making and motivation". Oxford Bibliographies. Retrieved from: [www.oxfordbibliographies.com/view/document/obo-9780195396607/obo-9780195396607-0105.xml](http://www.oxfordbibliographies.com/view/document/obo-9780195396607/obo-9780195396607-0105.xml)
- Watson, J. (1924). "Behaviourism". New York, The People's Institute Publishing Co.

## RÉSUMÉ

### PART II

#### Critical Thinking and Criminal Decision Making

##### BRANDI CHRISMAS

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B.A. en sociologie, Faculté des arts, Université du Manitoba

Dans la première partie de cet article, parue dans le no 36.2 (2021) d'*Actualités Justice*, l'auteur a exploré diverses théories sur le comportement criminogène et la prise de décision dont l'histoire est très ancienne jusqu'au phénomène actuel des gangs. Cette dernière partie montre que, selon les études, les émotions entraînent des répercussions importantes sur la prise de décision – au point de monopoliser le processus décisionnel, ne laissant aucune place à la prise en compte des risques ou des coûts. L'auteur explore les cadres récemment formulés pour la prise de décision criminelle liée au mode de vie des gangs. La marginalisation sociale, comme la pauvreté ou l'intolérance et la discrimination raciale, semble rendre certains jeunes émotionnellement vulnérables à l'attrait qu'exerce la sous-culture représentée, par exemple, par les gangs. Cet article examine plus en profondeur le phénomène des gangs et les cadres actuels de la prise de décision criminelle.

Lisez la première partie de cet article, dans le no 36.2 d'*Actualités Justice* : [justicereport.ca](http://justicereport.ca)

# CALL FOR PAPERS

World Congress on Probation and Parole 2022

## No One Left Behind: Building Community Capacity

September 28 - October 1, 2022

Delta Hotel - Ottawa (Ontario) Canada



**CALL FOR PAPERS DEADLINE: December 15, 2021**

Please submit your proposals to CCJA by email ([ccja-acjp@rogers.com](mailto:ccja-acjp@rogers.com)), fax (+1 (613) 725-3720), or post (320 Parkdale Avenue, Suite #101, Ottawa (Ontario) Canada K1Y 4X9).

You are cordially invited to submit an abstract for a presentation at the 5<sup>th</sup> World Congress on Probation and Parole!

This international event is being organized by the Canadian Criminal Justice Association in collaboration with the Parole Board of Canada, Correctional Service Canada, Public Safety Canada, and the Royal Canadian Mounted Police. It will be held at the Delta Hotel in Ottawa, Ontario, Canada. Consider attending this networking opportunity to learn about the latest in probation and parole around the world.

The theme of the event will be "**No One Left Behind: Building Community Capacity**". This Congress will explore the challenges, opportunities and success stories involved in building community capacity and sustaining partnerships that support successful reintegration for diverse groups of offenders in an evolving global environment.

Academics, researchers, students, community-based organizations, practitioners, and policy leaders are invited to submit presentation proposals relating to one or more of the sub-themes listed below.

Please note that elements within the sub-themes are not exclusive. Other subjects can be added if they are connected to the main theme of "No One Left Behind: Building Community Capacity".

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## Sub-Themes

Offenders with mental health needs

Over-represented minorities

Elderly offenders

Disabled offenders

Indigenous offenders

High-risk offenders

Staff training

Building community capacity

Partnerships

Women offenders

Radicalized offenders

Young offenders

Long-term offenders

Public awareness strategies

## Presentation Types

WORKSHOPS

SHORT PRESENTATIONS

SCHOLARLY POSTER PRESENTATIONS

DOCUMENTARIES,  
SHORT FILMS,  
PODCASTS

Organized by the Canadian Criminal Justice Association in collaboration with the Parole Board of Canada, Correctional Service Canada, Public Safety Canada, and the Royal Canadian Mounted Police.

# APPEL DE COMMUNICATION

5<sup>e</sup> Congrès mondial sur la probation et la libération conditionnelle

**Ne laisser personne de côté : renforcer la capacité communautaire**

28 septembre au 1<sup>er</sup> octobre 2022



Delta Hotel - Ottawa (Ontario) Canada

**DATE LIMITÉE DE SOUMISSION : 15 décembre 2021**

Veuillez présenter votre proposition à l'ACJP par courriel ([ccja-acjp@rogers.com](mailto:ccja-acjp@rogers.com)), par télécopieur (+1 613 725 3720) ou par la poste (320, avenue Parkdale, bureau 101, Ottawa (Ontario) Canada K1Y 4X9).

Vous êtes cordialement invités à présenter un résumé de présentation dans le cadre du 5<sup>e</sup> Congrès mondial sur la probation et la libération conditionnelle!

Cet événement international est organisé par l'Association canadienne de justice pénale, en collaboration avec la Commission des libérations conditionnelles du Canada, Service correctionnel Canada, Sécurité publique Canada, et la Gendarmerie royale du Canada. L'évènement se tiendra au Delta Hotel, à Ottawa, en Ontario, au Canada. Pensez à participer à cette occasion de réseautage pour en savoir davantage sur les dernières avancées en matière de probation et de libération conditionnelle partout dans le monde.

Le thème de l'évènement sera « **Ne laisser personne de côté : renforcer la capacité communautaire** ». Dans le cadre de ce Congrès, on abordera les défis, les possibilités et les réussites touchant le renforcement de la capacité communautaire et le maintien de partenariats qui favorisent la réintégration efficace de divers groupes de délinquants dans un contexte mondial en évolution.

Des universitaires, des chercheurs, des étudiants, des organisations communautaires, des intervenants et des dirigeants politiques sont invités à présenter des propositions de présentation liée à l'un ou à plusieurs des sous-thèmes énumérés plus bas. Veuillez noter que les éléments des sous-thèmes ne sont pas exclusifs. D'autres sujets peuvent être ajoutés s'ils sont liés au thème principal « Ne laisser personne de côté : renforcer la capacité communautaire ».

# APPEL DE COMMUNICATION

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par télécopieur (+1 613 725 3720) ou par la poste (320, avenue Parkdale, bureau 101, Ottawa (Ontario) Canada K1Y 4X9).

## Sous-thèmes

Délinquants ayant  
des besoins en santé mentale

Minorités  
sur-représentées

Délinquants  
âgés

Délinquants  
handicapés

Femmes  
délinquantes

Délinquants  
radicalisés

Formation  
du personnel

Délinquants  
à risque élevé

Partenariats

Renforcement de  
la capacité communautaire

Délinquants  
autochtones

Jeunes  
délinquants

Délinquants  
à contrôler

Stratégies de  
sensibilisation du public

## Types de présentation

ATELIERS

BREFS  
EXPOSÉS

PRÉSENTATION  
D'AFFICHES  
DE CHERCHEURS

DOCUMENTAIRES,  
COURTS MÉTRAGES,  
BALADOS

Organisé par l'Association canadienne de justice pénale en collaboration avec la Commission des libérations conditionnelles du Canada, Service correctionnel Canada, Sécurité publique Canada, et la Gendarmerie royale du Canada.

The CCJA stands with its affiliate, the Alberta Criminal Justice Association, in recognizing the immense grief and trauma that Canada's Indigenous peoples suffer as a result of the Indian Residential School system. It is certainly time to move beyond words and take appropriate action to rectify the impacts of the Residential Schools.

#### THE ALBERTA CRIMINAL JUSTICE ASSOCIATION'S OFFICIAL STATEMENT:

*"The board and membership of the Alberta Criminal Justice Association (ACJA) stands with the Tk'emplúps te Secwépemc community who mourn their children discovered in unmarked graves at the Kamloops Indian Residential School. The ACJA dedicates itself to supporting the Truth and Reconciliation Commission's Calls-to-Action, and petitions the federal and provincial governments to do the same."*



L'ACJP se joint à son organisme affilié, l'Alberta Criminal Justice Association, pour reconnaître l'immense chagrin et le traumatisme que les peuples autochtones du Canada ont subi à cause du système des pensionnats indiens. Il est certainement temps de ne plus se contenter de mots et de prendre les mesures appropriées pour rectifier les impacts des pensionnats indiens.

#### DÉCLARATION OFFICIELLE DE L'ALBERTA CRIMINAL JUSTICE ASSOCIATION :

*« Le conseil d'administration et les membres de l'Alberta Criminal Justice Association (ACJA) tiennent à exprimer leur solidarité avec la communauté Tk'emplúps te Secwépemc, qui pleure ses enfants découverts dans des tombes non marquées au pensionnat indien de Kamloops. L'ACJA s'engage à soutenir les appels à l'action de la Commission de vérité et de réconciliation et demande aux gouvernements fédéral et provincial de faire de même. »*

# COMING EVENTS PROCHAINS ÉVÉNEMENTS

Published in the language submitted.  
Publiés dans la langue dans laquelle ils sont soumis.

## SAVE THE DATE! / INSCRIVEZ LA DATE À VOTRE CALENDRIER!

NOVEMBER 4-6 NOVEMBRE 2021

### INHS – INTERNATIONAL NETWORK FOR HATE STUDIES – \*6<sup>TH</sup> ANNUAL CONFERENCE \*GONZAGA INTERNATIONAL CONFERENCE ON HATE STUDIES

THEME - THÈME \* Justice and Equity: Challenging Hate and Inspiring Hope

PLACE - ENDROIT \* Gonzaga University, Spokane, WA (USA)

INFORMATION \* [www.gonzaga.edu/icohs](http://www.gonzaga.edu/icohs)

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NOVEMBER 17-19 NOVEMBRE 2021

### 45<sup>TH</sup> ANNUAL CIAJ CONFERENCE: INDIGENOUS PEOPLES AND THE LAW 45<sup>E</sup> CONFÉRENCE ANNUELLE DE L'ICAJ : LES PEOPLES AUTOCHTONES ET LE DROIT

Canadian Institute for the Administration of Justice - Institut canadien d'administration de la justice

THEME - THÈME \* Reconciliation with Indigenous Peoples of Canada

La réconciliation avec les peuples autochtones du Canada

PLACE - ENDROIT \* Fairmont Hotel Vancouver (BC)

INFORMATION \* <https://ciaj-icaj.ca/en/upcoming-programs/2021-annual-conference>

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SEPT. 28 – OCT. 1 2022

### 5<sup>TH</sup> WORLD CONGRESS ON PROBATION AND PAROLE

Organized by the Canadian Criminal Justice Association (CCJA) in collaboration with the Parole Board of Canada (PBC), the Correctional Service of Canada, Public Safety Canada, and the Royal Canadian Mounted Police.

Organisé par l'Association canadienne de justice pénale en collaboration avec la Commission des libérations conditionnelles du Canada, le Service correctionnel du Canada, Sécurité publique Canada et la Gendarmerie royale du Canada.

THEME - THÈME \* No one left behind: building community capacity

Ne laisser personne de côté : renforcer la capacité communautaire

PLACE - ENDROIT \* Delta Hotel Ottawa (Canada)

INFORMATION & CALL FOR PAPERS - APPEL DE COMMUNICATIONS\* [www.ccja-acjp.ca/pub/en/events](http://www.ccja-acjp.ca/pub/en/events)

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SEPTEMBER 23 2022

### ICCL 2022 INTERNATIONAL CONFERENCE ON CRIMINOLOGY AND CRIMINAL LAW

Organized by the World Academy of Science, Engineering and Technology

THEME - THÈME \* Justice and Equity: Challenging Hate and Inspiring Hope

PLACE - ENDROIT \* Vancouver, British Columbia

INFORMATION \* <https://waset.org>

Please send notices about your events to [ccjapubsacjp@gmail.com](mailto:ccjapubsacjp@gmail.com) so we may add them to the list of Coming Events.

Veuillez envoyer les annonces pour vos événements au [ccjapubsacjp@gmail.com](mailto:ccjapubsacjp@gmail.com) nous permettant ainsi de les inscrire dans la liste des «Prochains événements».

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